

REMARKS

Further examination and reconsideration of the application is hereby requested.

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In Section 2 of the Office Action, the Examiner rejected claims 38, 40, and 41 under 35 USC 102(e) as being anticipated by Childers (US 5,992,990). The Examiner asserts that Childers discloses all the claimed features of the invention. Applicant respectfully traverses this statement. Childers does not disclose Applicant's claimed invention. For instance, the Examiner states that the Childers discloses "issuing a first flow of fluid into the local reservoir" and "issuing a second flow of fluid into the local reservoir" (Col. 4, lines 32-34 of Childers). However, Childers discloses multiple cartridges with multiple local reservoirs, each having a single fluid flow. (See Col. 4, lines 43-53). i.e. "In FIGS. 2 and 3, a single print cartridge 18 is shown installed in carriage 16. Four tubes 40, **each** connected to an outlet of a pressure regulator, are in fluid communication with a rubber septum 52 supported by carriage 16. A hollow needle 54 (FIG. 4), formed as part of each print cartridge 18, is inserted through the rubber septum 52 upon pushing the print cartridge 18 into its associated stall 55 (FIG. 3) within carriage 16 so that a fluid communication path exists between a **particular** ink supply cartridge 31-34 and a **particular** print cartridge printhead for providing a supply of ink to the printhead" (emphasis added). Further, Childers in Col. 4, lines 22-26 states: "**Each** of the regulators in housing 38 essentially consists of a **valve** controlling an opening between the inlet and outlet of the regulator. **The valve opens in response to an ink pressure drop on the outlet side of the regulator and closes in response to an ink pressure increase on the outlet side**" (emphasis added). As such, Childers does not disclose a print cartridge with a local reservoir "issuing a first flow of fluid" and "issuing a second flow of fluid" "into the local reservoir" as Applicant is claiming. Rather Childers is disclosing multiple print cartridges, each of which has a local reservoir and each reservoir has a single flow of fluid.

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Accordingly, Childers does not anticipate Applicant's claimed invention as anticipation (see MPEP 2131) requires that the reference must teach every element of the claim. That is, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described

in a single prior art reference.” Also, the elements must be arranged as required by the claim. Since Childers discloses multiple local reservoirs each having a fluid flow path and Applicant discloses a single reservoir issuing a first and second fluid flow, Childers can not anticipate Applicant’s claims 38, 40 and 41. Withdrawal of the rejection under 35 USC 102(e) and allowance of claims 38, 40 and 41 is respectfully requested.

In Section 3 of the Office Action, the Examiner rejected claims 35, 36 and 44 under 35 USC 103(a) as being unpatentable over Childers et al. Applicant respectfully traverses this rejection. Childers and the instant application were at the time of the invention was made subject to an obligation of assignment to Hewlett-Packard Co. Under 35 USC 103(c), Childers, a 35 USC 102(e) reference, is not a valid reference for applying as a 103(a) reference, alone or in combination, as the instant application was filed after Nov. 29, 1999 as a continuation application. The original parent case was filed Jan. 28, 1999 prior to the Nov. 29, 1999 qualification date for 35 USC 103(c). However, the First O.G. Notice, 1233 OG 54 (Apr. 11, 2000) indicated that the filing of a continuing application on or after Nov. 29, 1999 would qualify the application for the benefit of new 35 USC 103(c)/102(e) exclusion of common assignee type prior art. In addition, Childers does not disclose Applicant’s invention as discussed previously as Childers has only a single flow valve per local reservoir and not a first and second flow valve as Applicants are claiming. Withdrawal of the rejection under 35 USC 103(a) for claims 35, 36, and 44 and their allowance is respectfully requested.

Claim 39 was rejected under 35 USC 103(a) as being unpatentable over Childers in view of Pawlowski. Applicant respectfully traverse this rejection for the reasons stated above. Withdrawal of the rejection under 35 USC 103(a) for claim 39 and its allowance is respectfully requested.

Applicant believe his claims as previously amended are patentable over the art of record, and that the amendments made previously were within the scope of a search properly conducted under the provisions of MPEP 904.02. Accordingly, claims 35, 36, 38-41 and 44 are deemed to be in condition for allowance, and
5 such allowance is respectfully requested.

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